

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY SUTTER,

Plaintiff,

Case No. 17-10207

v.

Honorable John Corbett O'Meara

McLAREN HEALTH CARE CORP.,

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiff Kimberly Sutter recently filed a two-count complaint in this court alleging violations of the Americans with Disabilities Act in Count I and Michigan's Persons with Disabilities Civil Rights Act in Count II.

Although Count I, which arises under federal law, is cognizable in this court pursuant to 28 U.S.C. § 1331, the allegations presented in Count II are based solely on state law. The parties to this action are not diverse. Therefore, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claim to avoid jury confusion. See 28 U.S.C. § 1367(c); United Mine Workers v. Gibbs, 282 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

ORDER

It is hereby **ORDERED** that Count II is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: January 26, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, January 26, 2017, using the ECF system.

s/William Barkholz
Case Manager